



Updated in September 2024

## The Judicial Officer in the World

### UKRAINE

Name of the Judicial Officers in the country's language (singular and plural): **приватний виконавець / приватні виконавці**

#### Presentation

#### Generalities

Enforcement proceedings are carried out in compliance with the following principles:

- 1) rule of law;
- 2) mandatory enforcement of decisions;
- 3) legality;
- 4) dispositivity (right for the creditor to ask either a private enforcement officer or a public enforcement agent to enforce the court decision rendered in his favour);
- 5) fairness, impartiality and objectivity;
- 6) transparency and openness of enforcement proceedings;
- 7) reasonableness of the terms of enforcement proceedings;
- 8) proportionality of measures of enforcement of decisions and the volume of demands for decisions;
- 9) provision of the right to appeal decisions, actions or inaction of state enforcement proceedings, private enforcement officers.

As of April 2024, 335 private enforcement officers (PEOs) are operating in Ukraine. Each PEO has his own separate office. Also, in total, about 250 assistants to private enforcement officers are officially registered in the country.

#### Training

A private enforcement officer can be a citizen of Ukraine who has reached the age of 25, has a higher legal education of at least the second level, speaks the state language, has work experience in the field of law after receiving a relevant diploma for at least two years, and has passed a qualifying exam.

A private enforcement officer is obliged to constantly improve his qualifications and every five years from the date of obtaining a private enforcement officer's certificate to take an exam by means of automated anonymous testing free of charge.

A private enforcement officer whose activities are suspended for the duration of the exam must pass the exam before resuming activity.

The procedure for improving the qualifications of a private enforcement officer is approved by the Ministry of Justice of Ukraine.

Qualification improvement may involve paid or free attendance by private enforcement officers of educational courses, trainings, seminars organized by self-governing bodies of private enforcement officers. Refusal of a private enforcement officer to participate in the specified events cannot be a reason for his exclusion from taking the exam.



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A private enforcement officer who has not passed the exam has the right to retake the exam within three months.

The law does not provide for the improvement of the qualification of assistants to private enforcement officers.

## The exercise of the profession

In order to obtain a certificate and start working, a private enforcement officer must successfully pass a qualification exam.

The certificate to private enforcement officer is issued by the Ministry of Justice of Ukraine.

In Ukraine, there are no legal restrictions on the number of private enforcement officers.

During the performance of his activity, a private enforcement officer may not engage in other paid activities (except for teaching, scientific and creative activities, the activities of an arbitration manager (property manager, rehabilitation manager, liquidator), instructor and referee practice in sports and work in the bodies of the Association of Private Enforcement Officers of Ukraine) or entrepreneurial activity.

The profession is represented at the national level by the **Association of Private Enforcement Officers of Ukraine**. The Association of Private Enforcement Officers of Ukraine (APEOU) is a non-commercial professional organisation that unites all private enforcement officers of Ukraine and was formed to ensure the implementation of tasks of their self-government. The Association of Private Enforcement Officers of Ukraine is a legal entity and operates through the organizational forms of self-government of private enforcement officers. The Association of Private Enforcement Officers of Ukraine:

1. represents private enforcement officers in relations with state authorities, local self-government bodies, their officials and employees, enterprises, institutions, organisations regardless of the form of ownership, public associations and international organizations;
2. protects the professional rights of private enforcement officers;
3. ensures a high professional level and development of private enforcement officers;
4. ensures the prestige of the profession of a private enforcement officer;
5. organises the verification of published facts that degrade the honour and dignity, business reputation of a private enforcement officer, and takes measures to refute them;
6. exercise other powers in accordance with this Law.

The Association of Private Enforcement Officers of Ukraine is formed by the Congress of Private Enforcement Officers of Ukraine and cannot be reorganised. The Association of Private Enforcement Officers of Ukraine can be liquidated only on the basis of the law.

The Charter of the Association of Private Enforcement Officers of Ukraine is approved by the Congress of Private Enforcement Officers of Ukraine and is its constituent document.

From the moment of state registration of the Association of Private Enforcement Officers of Ukraine, all private enforcement officers whose information is entered in the Unified Register of Private Enforcement Officers of Ukraine become its members.

A private enforcement officer becomes a member of the Association of Private Enforcement Officers of Ukraine from the day of entering information about him in the Unified Register of Private Enforcement Officers of Ukraine.

A private enforcement officer is obliged to pay membership fees to the Association of Private Enforcement Officers of Ukraine.

In the event of termination of the activity of a private enforcement officer, his membership in the Association of Private Enforcement Officers of Ukraine shall also be terminated.

The budget of the Association of Private Enforcement Officers of Ukraine is formed at the expense of payment of membership fees by private enforcement officers, as well as income from other activities



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in accordance with the statutory documents of the Association of Private Enforcement Officers of Ukraine.

It is prohibited for self-government bodies to establish private enforcement officers of other mandatory contributions not provided for by the law.

## **Obligations of the judicial officer and ethical rules**

The private enforcement officer is obliged to take the measures provided by the Law for the enforcement of judgments, to implement enforcement actions impartially, effectively, timely and fully. A private enforcement officer is obliged to comply with the Charter of the Ukrainian Academy of Medical Sciences, the Code of Professional Ethics of Private Enforcement Officers, as well as to comply with the decisions of the Council of Private Enforcement Officers of Ukraine and the Congress of Private Enforcement Officers of Ukraine related to the activities of private enforcement officers.

The Council of Private Enforcement Officers of Ukraine supervises the activities of a private enforcement officer.

The Council of Private Enforcement Officers of Ukraine has the right, at the request of a participant in enforcement proceedings or on its own initiative, to check the activities of a private enforcement officer for compliance with:

1. the statute of the Association of Private Enforcement Officer of Ukraine;
2. the Code of Professional Ethics of a Private Enforcement Officer;
3. decisions of the Council of Private Enforcement Officers of Ukraine and the Congress of Private Enforcement Officers of Ukraine related to the activities of private enforcement officers.

Verification by the Council of Private Enforcement Officers of Ukraine of the activity of a private enforcement officer is carried out by sending a written request to the private enforcement officer within the scope of the audit. Within 15 calendar days from the day of receiving the request, the private enforcement officer is obliged to provide the Council of Private Enforcement Officers of Ukraine with an explanation and copies of relevant documents.

The Council of Private Enforcement Officers of Ukraine is obliged within 30 working days from the date of receipt of the explanations of the private enforcement officer or the time when such explanations should have been received, in the event of their non-provision, to review the submitted materials for signs of disciplinary misconduct and to resolve the issue of bringing private enforcement officers to the Disciplinary Commission a submission on bringing a private enforcement officer to disciplinary responsibility.

## **Activities exerted by the judicial officers**

### **Enforcement of court decisions**

The private enforcement officer is entrusted with the duties of court decisions enforcement, including the following enforcement measures:

- Seizure of the debtor's movable property.
- Seizure of movable property in the hands of a third party.
- Seizure of real estate.
- Garnishment of wages.
- Seizure of funds owed to the debtor.
- Seizure of intangible assets, except for funds owed to the debtor.



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- Freezing and/or seizure of tangible movable assets, which must be transferred by the debtor by court decision.
- Seizure and seizure of vehicles.
- Arrest of ships and vessels.
- Seizure of aircraft.
- Seizure of crops.
- Seizure of goods locked in a safe.
- Forced eviction.
- Arrest of persons by court decision.
- Transfer of children by court decision.
- Physical delivery of the party to the court session.
- Security measures regarding the debtor's movable material assets.
- Security measures regarding intangible movable assets of the debtor.
- Establishing a temporary court lien on the debtor's immovable property.
- Establishment of temporary judicial security for the debtor's business.
- Establishing a temporary court surety for the shares, shares and securities of the debtor.
- Physical (as opposed to Internet) forced auction sale of tangible movables seized by an enforcement agent.
- Forced sale via the Internet of movable material things seized by an enforcement agent.
- Forced sale of tangible movable things at public auctions.
- Forced sale of intangible movable goods at public auctions.
- Forced sale of real estate at public auctions.
- Forced auction sale of enterprises arrested by the bailiff.
- Distribution to creditors of funds collected during the forced sale of movable property.
- Distribution to creditors of funds collected during the forced sale of real estate.

During the enforcement of the decision, a PEO has access to certain information about the debtor's assets.

## **Service of judicial or extrajudicial documents**

A private enforcement officer can enforce judicial and extrajudicial enforcement documents in civil and commercial cases, but not in criminal cases.

Within enforcement actions, a private enforcement officer has access to information to locate the debtor.

## **Forced public auction sales**

A PEO may implement a forced sale of the following goods at public auctions:

- Online auction sale of tangible movable property seized by a PEO.
- Internet auction for the sale of intangible movable property seized by a PEO.
- Online auction sale of enterprises arrested by a PEO.
- Internet auction for the sale of immovable property seized by a PEO.

## **Voluntary public auction sales**



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A private enforcement officer implements only the sale of seized property. Voluntary sale within the framework of enforcement proceedings is NOT permitted.

<b>Other activities (X = yes)</b>	
Debt collection	<b>X</b>
Statements of facts	-
Sequestration of goods	<b>X</b>
Legal advice	-
Bankruptcy proceedings	<b>X</b>
Missions entrusted by a judge	-
Mediation	-
Representation of parties in the court	-
Drawing up of private deeds and documents	-
Court service	-
Other	Teaching, scientific and creative activities
Other	Instructor and referee practice in sports
Other	Work in self-government bodies of PEOs